

Message Text

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TAGS: CSCE, PFOR, EGEN

SUBJECT: CSCE: COMMERCIAL EXCHANGES

REFS: A) GENEVA 398; B) GENEVA 7458

1. YOU MAY ACCEPT EC REVISION OF MFN REFERENCE, PARA 2
REF A. AS FOR RECIPROCITY TEXT, PARA 1 REF A, WE NOTE
ADDITION OF PHRASE "TO THE MUTUAL SATISFACTION OF THE
PARTIES CONCERNED." REFERENCE TO "PARTIES CONCERNED" IN
THIS CONTEXT SEEMS TO CREATE SPECIAL CASE FOR BLOC TO BLOC
AGREEMENTS AND TO IMPLY THAT IMMEDIATE PARTIES TO A GIVEN
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AGREEMENT NEED NOT CONSIDER INTERESTS OF OTHER PARTIES

AFFECTED, THOUGH NOT DIRECTLY CONCERNED. TO AVOID SUCH IMPLICATION, YOU SHOULD PROPOSE FOLLOWING VERSION:

"ARE RESOLVED TO PROMOTE THE EXPANSION OF THEIR MUTUAL TRADE ON THE BASIS OF OVERALL RECIPROCITY AND MUTUAL SATISFACTION, WHICH SECURES IN PRACTICE ADVANTAGES AND OBLIGATIONS OF EQUAL WEIGHT/SCOPE AND ENSURES CONDITIONS FAVORABLE TO SUCH DEVELOPMENT."

2. FYI. WE WOULD EXPECT ROMANIANS TO PUSH FOR AN LDC CAVEAT TO THIS RECIPROCITY TEXT. WE DO NOT OPPOSE SUCH A CAVEAT IN PRINCIPLE, BUT WOULD, OF COURSE, WISH TO APPROVE SPECIFIC WORDING. IN THIS CONNECTION, WE WOULD CALL DELEGATION'S ATTENTION TO SECTION ON THIS SUBJECT IN

RECENTLY-CONCLUDED US-ROMANIAN BILATERA. (TARTTER BRINGING TEXT.) END FYI.

3. RE TENTATIVELY AGREED PORTION OF SAFEGUARDS PARA (REF B), YOU SHOULD ATTEMPT TO SOFTEN UNDERTAKING IN FINAL PHRASE--"WILL TAKE ACCOUNT OF THE INTERESTS OF THE PARTIES DIRECTLY CONCERNED"--TO SOMETHING LIKE "WILL BEAR IN MIND" OR "WILL ENDEAVOR TO TAKE INTO ACCOUNT." WHILE WE COULD ACCEPT EITHER WORD, WE SHARE ROMANIAN PREFERENCE FOR "AGREEMENTS" VICE "COMMITMENTS."

4. FOR FIRST PART OF SAFEGUARDS PARA, WE HAVE WORKED OUT FOLLOWING LANGUAGE, WHICH CONCEDES TO EC AND CANADA USE OF WORDS "SERIOUS INJURY" WHILE QUALIFYING THEM TO HARMONIZE WITH US TRADE ACT USAGE. YOU SHOULD PROPOSE FOLLOWING TEXT:

"WILL ENDEAVOR TO ENSURE THAT THEIR TRADE IN THE VARIOUS PRODUCTS IS NOT CONDUCTED IN SUCH A WAY AS TO CAUSE SERIOUS INJURY OR THREATEN TO CAUSE SERIOUS INJURY, INCLUDING MARKET DISRUPTION, TO DOMESTIC PRODUCERS OF LIKE OR DIRECTLY COMPETING PRODUCTS." KISSINGER

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